

Message Text

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ACTION SS-25

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 7571

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 7523

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E.O. 11652: GDS

TAGS: PLOS PFOR EFIS EC US

SUBJECT: EASTERN PACIFIC FISHERIES INITIATIVE: SUGGESTIONS

REF: A) QUITO 6883 B) STATE 238573 C) QUITO 7470

1. BEGIN SUMMARY: THIS MESSAGE COMMENTS ON THE DEPARTMENT'S
REPLY TO OUR RECOMMENDATIONS ON MEASURES THAT MIGHT BE TAKEN
BY THE GOE AND THE USG TO GET PAST THE NEXT TUNA SEASON.
WE APPRECIATE THE OBVIOUS EFFORTS OF THE DEPARTMENT TO BE
FORTHCOMING ON THE MATTER, AND WITH ONLY A FEW FURTHER MODIFICA-
TIONS TO THE DEPARTMENT'S PROPOSALS WANT TO MOVE FORWARD
RAPIDLY IN RESPONDING TO THE GOE'S REPEATED REQUESTS FOR
INFORMAL BUT SUBSTANTIVE DISCUSSIONS ON THE SUBJECT. WHETHER
THE ACTIONS PROPOSED FOR THE USG WILL BE CONSIDERED ENOUGH,
OR IF THOSE PROPOSED FOR THE GOE WILL BE VIEWED BY IT AS
TOO MUCH WILL HAVE TO BE SEEN. WITH RESPECT TO THE DEPARTMENT'S
PROPOSALS THAT USG MAY PUT INTO EFFECT, WE STRESS THE
IMPORTANCE OF PUBLIC USG ACTIONS TO AMELIORATE THE PROBLEM
THAT GOE DECISION MAKERS COULD CITE IF REQUIRED TO JUSTIFY
WITHIN THE GOE OR TO THE PUBLIC THEIR PROPOSED ACTIONS OR
NON-ACTIONS. THE DEPARTMENT'S SETTING ASIDE MY PROPOSAL
TO ASK OUR INDUSTRY TO STAY OUTSIDE THE ECUADOREAN CLAIMED
200 MILE ZONE GREATLY WEAKENS THE ATTRACTIVENESS OF THE US
SIDE OF THE PACKAGE TO THE GOE. WE HOPE THIS WILL BE
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RECONSIDERED. WE APPLAUD DEPARTMENT'S WILLINGNESS TO

REITERATE THE USG'S POSITION OF NEUTRALITY ON LICENSES,
WHICH WE DID NOT REALIZE HAD BEEN PREVIOUSLY PUBLISHED.
ON THE PROPOSED ACTIONS BY THE GOE, WE BELIEVE TO PROPOSE
THAT VESSELS CAUGHT WITHOUT A LICENSE IN ECUADOREAN CLAIMED
WATERS SHOULD MERELY BE PERMITTED TO HAND IN THEIR NETS AND
STEAL AWAY WOULD NOT ONLY BE A NON-STARTER BUT COUNTER-PRODUCTIVE.
WE PREFER NOT TO SUGGEST ELIMINATION OF THE 40 MILE ZONE.
BECAUSE MINISTER JOSE AYALA IS KEY AND IS DEPARTING QUITO
FOR WASHINGTON THE MORNING OF OCTOBER 15, WE WOULD APPRECIATE
DEPARTMENT'S APPROVAL OF OUR PROPOSED CHANGES IN TIME TO MEET
WITH MFA OFFICIALS AT AN INFORMAL LUNCH ON OCTOBER 14.
I WILL SUBSEQUENTLY FOLLOW UP WITH THE FOREIGN MINISTER AND
THE COMMANDER OF THE ECUADOREAN NAVY. END SUMMARY.

2. WE ARE PLEASED WITH THE VERY CONSTRUCTIVE RESPONSE
OF DEPARTMENT TO OUR RECOMMENDATIONS REF A. WE ARE
HOPEFUL THAT THIS USG INITIATIVE AND THE SEEMINGLY
INCREASED DESIRE OF THE GOE TO AVOID A REPEAT OF LAST
SEASON'S TUNA WAR MAY ENABLE US TO AVOID SIMILAR PROBLEMS
DURING THE RAPIDLY-APPROACHING TUNA FISHING SEASON. NOT-
WITHSTANDING THE OBVIOUS EFFORT TO BE FORTHCOMING ON THE
US SIDE, WE ARE DOUBTFUL THAT THE PROPOSED US ACTIONS
WILL BE SEEN AS SUFFICIENT BY THE ECUADOREANS IN COMPARISON
WITH WHAT THE DEPARTMENT SUGGESTS WE PROPOSE AS POSSIBLE
CONCOMMITANT GOE ACTIONS.

3. IN PRESENTING THE PROPOSED ACTIONS THE EMBASSY HAS NO
INTENT TO SUGGEST THEM AS A QUID PRO QUO ARRANGEMENT.
THEY WILL BE PRESENTED AS MEASURES OUR TWO GOVERNMENTS
COULD TAKE AS EARNESTS OF OUR GOOD WILL AND DESIRE TO ACHIEVE
AN INCIDENT-LESS FISHING SEASON AND ULTIMATELY A MULTINATIONAL
LOS TREATY THAT WILL RESOLVE THE FISHING PROBLEM. NO
MATTER HOW WE MAKE OUR PROPOSALS, THE GOE WILL COMPARE THE
PROPOSED ACTIONS OF BOTH COUNTRIES.

4. FOLLOWING ARE EMBASSY COMMENTS ON PROPOSALS THAT USG
MAY PUT INTO EFFECT.

A. ENCOURAGE ASSOCIATION AGREEMENTS. THIS IS
IMPORTANT TO THE ECUADOREANS BECAUSE OF THEIR DESIRE TO
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DEVELOP THEIR FISHING INDUSTRY. ALTHOUGH WE REALIZE IT IS
NOT BY ANY MEANS THE COMPLETE ANSWER, IT WILL BE
ATTRACTIVE TO THE GOE AS A USG ACTION. ECUADOREANS
ARE MOREOVER, WELL AWARE OF LIMITED USG INFLUENCE OVER
THE PRIVATE SECTOR (PARTICULARLY THE AMERICAN TUNA INDUSTRY
AND FISHERMEN WITH WHOM THEY HAVE DEALT) AND WE BELIEVE
WILL VALUE USG EFFORTS EVEN IF THEY DO NOT PRODUCE IMMEDIATE
RESULTS. THE MEASURE COULD BE OF PARTICULAR IMPORT IN

AVOIDING PROBLEMS WITH VESSELS IN EXCESS OF 600 NRT SHOULD WE BE UNSUCCESSFUL IN GETTING THE GOE TO CHANGE ITS REGULATIONS. WE APPRECIATE THE DEPARTMENT'S ATTEMPTS ON BEHALF OF THE RIZZO/CHACON COMMISSION. IT WOULD BE ESPECIALLY HELPFUL IF SOMETHING CONCRETE RESULTED IN THIS AREA FOR WHICH THE USG COULD GAIN SOME POINTS. PLEASE CONTINUE EFFORTS IN THIS AREA, AND PROVIDE US INFORMATION REGARDING USG ENCOURAGEMENT TO THE US FISHING INDUSTRY THAT WE MAY RELATE TO THE GOE.

B. EXPLANATION OF GOE REGULATIONS. THIS WORTHWHILE ACTION PROBABLY WOULD CARRY LITTLE WEIGHT WITH THE GOE UNLESS IT BELIEVED THAT THE EXPLANATION WOULD BE DONE IN SUCH A WAY TO INFLUENCE FISHERMEN TO PURCHASE OF LICENSE. THIS LEADS TO THE NEXT POINT.

C. THE U.S. POSITION ON LICENSES. WE WERE SURPRISED TO LEARN THAT THE USG HAD PREVIOUSLY PUBLISHED ITS POSITION OF NEUTRALITY ON THE PURCHASE OF ECUADOREAN FISHING LICENSES, BELIEVING ERRONEOUSLY THAT MY SPEECH OF MARCH 19, 1974 WAS THE FIRST AND ONLY TIME THAT SUCH A USG POSITION HAD BEEN DECLARED. PUBLIC STATEMENTS, PERHAPS BOTH AS A RESPONSE TO A PLANTED PRESS INQUIRY AND DIRECTLY TO THE TUNA INDUSTRY, OF THIS POSITION WOULD BE VIEWED POSITIVELY BY THE GOE. THIS WOULD BE A PLUS IN THE PACKAGE.

D. CONVERSATIONS WITH THE TUNA INDUSTRY. THIS POINT WEAKLY REPLACES THE PROPOSAL THAT THE DEPARTMENT SUGGEST TO THE TUNA INDUSTRY THAT IT REMAIN OUTSIDE THE 200 MILE ZONE DURING THE COMING SEASON. THIS IS WHAT WOULD HAVE CARRIED THE MOST WEIGHT WITH THE GOE, WHICH SEEMS SINCERELY DESIROUS OF AVOIDING A REPEAT OF LAST YEAR. WE NOTE THE DEPARTMENT STATES THAT SUGGESTING TO TUNA CONFIDENTIAL

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INDUSTRY THAT IT REMAIN OUTSIDE ECUADOR'S CLAIMED 200 MILE ZONE HAS NOT BEEN REJECTED BUT MERELY PUT ASIDE FOR AWHILE. IF THE DEPARTMENT COULD PULL IT OFF THE SHELF AND PERMIT US TO TELL THE GOE OF OUR INTENT TO DO THIS, WE BELIEVE IT WOULD ADD GREATLY TO THE ATTRACTIVENESS OF USG ACTIONS TO THE GOE, AND THUS MAKE A POSITIVE RESPONSE BY ECUADOR MORE LIKELY. WITHOUT THIS THE USG PACKAGE OF ACTIONS WILL BE MUCH LESS APPEALING TO THE GOE. WE DO NOT MINIMIZE THE IMPORTANCE OF PUBLICLY KNOWN TALKS OR COMMUNICATION WITH THE TUNA INDUSTRY. WE BELIEVE GOE DECISION MAKERS IN THIS AREA WILL BE LOOKING FOR DEMONSTRABLE SIGNS OF US ACTIONS TO TRY TO AVOID PROBLEMS IN CASE THEY NEED TO CITE REASONS TO JUSTIFY MEASURES THE GOE MIGHT TAKE. PUBLICLY KNOWN USG TALKS WITH THE TUNA INDUSTRY COULD PARTIALLY SERVE THIS PURPOSE. THE DEPARTMENT MIGHT WISH TO CONSIDER SUMMONING

TUNA INDUSTRY REPRESENTATIVES TO WASHINGTON OR SENDING A HIGH LEVEL DELAGATE TO SAN DIEGO FOR THE TALKS. AN ALTERNATIVE TO THIS MIGHT BE A LETTER TO MEMBER OF THE TUNA INDUSTRY WHICH WE COULD SHOW TO THE GOE. CONTENT OF THE TALKS OR LETTER SHOULD INCLUDE EXPLANATIONS OF GOE REGULATIONS AND ECLARE USG NEUTRALITY ON PURCHASE OF LICENSES. WE WOULD LIKE TO BE ABLE TO TELL GOE DURING OUR DISCUSSION OF PROPOSED MEASURES THAT WE WILL TELL OUR TUNA INDUSTRY AT LEAST THIS MUCH, DESPITE THE DEPARTMENT'S INJUNCTCTION NOT TO DISCLOSE TO THE GOE OUR POSSIBLE LINES OF APPROACH TO THE FISHING INDUSTRY. MERELY TO SAY TO THE GOE THAT WE WILL CARRY ON TALKS WITH THE TUNA INDUSTRY RINGS HOLLOW.

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 7523

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5. COMMENTS ON PROPOSALS FOR CONSIDERATION BY THE GOE.

A. FACILITATE THE PURCHASE OF LICENSES. WE BELIEVE WE MIGHT BE ABLE TO PERSUADE THE GOE TO GIVE IN THIS AREA.

B. REMOVAL OF TONNAGE LIMITATIONS. IF, AS HAS BEEN SUGGESTED, MORE FISHERMEN WILL PURCHASE LICENSES THIS YEAR TO ESCAPE THE DIFFICULTIES THEY ENCOUNTERED LAST SEASON, FINDING SOMEWAY AROUND THE 600 NRT LIMITATION BECOMES CRITICAL IN ELIMINATING THE POTENTIAL FOR SEIZURES. THE ECUADOREAN FISHING INDUSTRY MIGHT OPPOSE REMOVAL OF THE 600 NRT RESTRICTIONS IF IT FEELS THE EXISTENCE OF THIS

LIMITATION IS CONDUCIVE TO FORMATION OF ASSOCIATION AGREEMENTS, SINCE 600 PLUS NRT VESSELS OPERATING UNDER AN ASSOCIATION AGREEMENT WOULD NOT BE PROHIBITED FROM FISHING IN ECUADOREAN CLAIMED WATERS NOR NEED A LICENSE TO DO SO. AND THIS IS INDEED ONE WAY AROUND THE 600 NRT LIMITATION. ANOTHER POSSIBLE COURSE THE GOE MIGHT ACCEPT WOULD BE THAT 600 PLUS NRT BOATS NOT COVERED BY AN ASSOCIATION AGREEMENT WOULD BE PERMITTED TO PURCHASE LICENSES BUT AT AN INCREASED FEES. OUR APPROACH WILL SIMPLY BE TO POINT OUT THE CRITICAL NATURE OF THIS ISSUE, AND TO LEAVE UP TO THE GOE THE FINDING OF A WAY TO WAIVE, SUSPEND OR DO AWAY WITH THE 600 NRT LIMITATION FOR THE COMING SEASON. WE BELIEVE THIS PREFERABLE TO DISCUSSION OF SPECIFIC ALTERNATIVES.

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C. THE 40-MILE RESERVE ZONE. WE DO NOT WISH TO RAISE THIS WITH THE GOE UNLESS AGAIN INSTRUCTED TO DO SO. THE ZONE HAS NOT YET CAUSED PROBLEMS, THE PACKAGE LOOKS WEIGHTED AGAINST THE ECUADOREANS ALREADY, AND THIS WOULD BE JUST ONE ADDITIONAL REQUESTED MEASURE TO MAKE OUR PROPOSALS LOOK CONSIDERABLY MORE EXIGENT ON THE ECUADOREANS THAN ON US.

D. ESTABLISHMENT OF AN ADVISORY/WARNING PROCEDURE. THE DEPARTMENT'S MODIFICATION TO OUR PROPOSAL IS A DESTINED IMPROVEMENT WITH RESPECT TO THE IDEA THAT PRIOR PURCHASE OF MATRICULA/LICENSE FEES WOULD RECEIVE A DISCOUNT FROM EXISTING FEES. SINCE THIS SHOULD BE AN INDUCEMENT TO FISHERMEN TO BUY LICENSES (SOMETHING WHICH THE GOE WANTS), WE BELIEVE IT MIGHT BE REGARDED FAVORABLY BY ECUADOREANS. WE SUGGEST, HOWEVER, THAT THE ARGUMENT FOR A DISCOUNT RATHER THAN AN INCREASED RATE FOR LATE PURCHASE (BECAUSE PRESENT FEE LEVELS ARE "VIRTUALLY PROHIBITIVE") WILL NOT SELL MUCH TUNA IN A COUNTRY WHERE THE PER CAPITA INCOME IS LESS THAN 1/10 THAT OF THE US, AND EVEN WITH THE PREDICTED LOWERED PROFITS FOR THE TUNA INDUSTRY, THE PAST EARNINGS OF TUNA BOAT CREWS AND SKIPPERS ARE WELL KNOWN. ECUADOREANS WOULD SUBMIT THAT FEES ARE NOT PROHIBITIVELY HIGH. HOWEVER, WE WILL, OF COURSE, PUSH FOR A DISCOUNT FROM EXISTING FEES, AND PROTEST VIGOROUSLY ANY HINT AT AN INCREASED RATE FOR LATE PURCHASE.

E. THE COOLING-OFF PERIOD IS ONE WHICH WE STRONGLY ENDORSE. WE BELIEVE IT WOULD BE MORE PALATABLE TO THE GOE IF, AS WE SUGGESTED IN REF A, THE ECUADOREAN NAVY MADE SOME DISPLAY OF ECUADOREAN SOVEREIGNTY BY EXPLAINING ECUADOREAN LAW AND LICENSE REQUIREMENTS TO THE FISHING BOAT CAPTAIN ENCOUNTERED IN ECUADOREAN CLAIMED WATERS, AND ALLOW THE CAPTAIN A SPECIFIED PERIOD WITHIN WHICH TO BUY A LICENSE BY RADIO (OR

DIRECTLY), OR SUFFER SEIZURE. THE SECOND OF THE THREE OPTIONS PUT FORTH BY THE DEPARTMENT , UNDER THE COOLING-OFF PERIOD IS A NON-STARTER (I.E., THAT THE GOE PERMIT BOATS FOUND FISHING WITHOUT LICENSES TO COLLECT THEIR NETS AND WITH THEIR CATCH PROMPTLY DEPART ECUADOREAN CLAIMED WATERS AND ONE WE WOULD NOT WISH PROPOSING TO THE GOE. THERE

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WOULD BE NOTHING AT ALL IN THIS FOR THE ECUADOREANS. THEY WOULD RECOGNIZE THAT SUCH TREATMENT WOULD NOT REMAIN SECRET AND PRESENT AN OPEN INVITATION TO ANY NON-LICENSED FISHERMEN TO ENTER ECUADOREAN WATERS WITH IMPUNITY, KNOWING THAT IF CAUGHT HE WOULD ONLY BE ASKED TO COLLECT HIS NETS AND STEAL AWAY WITH HIS CATCH. TO MAKE SUCH A PROPOSAL COULD JEOPARDIZE THE ACCEPTANCE OF THE LARGER PACKAGE.

6. MINISTER AYALA IS DEPARTING QUITO FOR THE U.S. EARLY THE MORNING OF OCTOBER 15. THE ECUADOREAN FOREIGN MINISTRY HAS ASKED REPEATEDLY THAT WE DISCUSS THIS MATTER WITH IT PRIOR TO AYALA'S DEPARTURE. I INTEND TO RAISE THE SUBJECT AT A LUNCH FOR THE FOREIGN MINISTRY'S LOS GROUP (GARCIA, BUSTAMANTE AND AYALA) TOGETHER WITH THE DCM AND THE POLITICAL COUNSELOR. THIS SETTING IS CHOSEN SO AS TO PROVIDE A SENSE OF INFORMALITY AND FLEXIBILITY. I WILL GIVE THE TRIO AN UNOFFICIAL SET OF TALKING POINTS TO ENSURE THAT THE CONTENT OF THE INITIATIVE IS PRECISELY UNDERSTOOD.

7. I WILL BE SEEING FOREIGN MINISTER AGUIRRE AT A SOCIAL FUNCTION ON OCTOBER 13 AND WILL AT THAT TIME INFORM HIM OF OUR APPROACH TO GARCIA, BUSTAMANTE AND AYALA. AS SOON AS POSSIBLE AFTER MY LUNCHEON DISCUSSIONS WITH THE MFA CREW, I WILL MEET WITH ADMIRAL POVEDA TO GO OVER THE MATTER (AS WELL AS THE RECENT NAVY COMMISSION'S VISIT TO WASHINGTON).

8. WE PLAN NO DIRECT APPROACH ON THIS PACKAGE TO THE SUBSECRETARIAT OF FISHERIES, THE THIRD KEY GOE ENTITY ON LOS AND FISHING MATTERS. GETTING FISHERIES ON BOARD WILL BE LEFT UP TO MFA AND THE NAVY.

9. AS STATED AT THE BEGINNING OF THIS MESSAGE, WE WILL NOT BE MAKING THE PROPOSALS AS A QUID QUO PRO ARRANGEMENT, AND WE SHALL NOT PRESS FOR ANY OFFICIAL RESPONSE. WE CERTAINLY DO NOT EXPECT A DEFINITIVE REPLY IN OUR INITIAL APPROACHES. WE BELIEVE THERE IS A POSSIBILITY THAT THERE MAY NEVER BE AN OFFICIAL RESPONSE BUT THAT THE GOE MIGHT MERELY BEGIN IMPLEMENTING OUR PROPOSALS AND MAKE THEIR ACTIONS KNOWN TO US, EXPECTING US TO ALSO BEGIN CARRYING OUT MEASURES ON OUR SIDE WITHOUT FURTHER DISCUSSION. THIS

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WOULD BE ONE ADDITIONAL GOE SAFEGUARD AGAINST CHAGES THAT IT HAD "SOLD-OUT" TO THE AMERICANS (AS IN THE CASE WHEN THE 1963-66 MODUS VIVINDI BECAME PUBLIC AND BROUGHT ABOUT THE GOVERNMENT'S DOWNFALL).

10. ACTIONS REQUESTED:

A. PLEASE RECONSIDER:

1) THE DECISION TO SET ASIDE THE PROPOSAL TO ASK OUR TUNA INDUSTRY TO REMAIN OUTSIDE ECUADOREAN CLAIMED WATERS DURING THE COMING FISHING SEASON.

2) THE INSTRUCTION TO PROPOSE THAT THE GOE BE ASKED TO ELIMINATE ITS 40 MILE ZONE.

3) THE INSTRUCTION TO PUT FORTH THE SECOND POINT OF THE DEPARTMENT'S COOLING-OFF PERIOD PROPOSAL, NAMELY THAT FISHING BOATS ENCOUNTERED IN ECAUDOREAN WATERS BE PERMITTED TO COLLECT THEIR NETS AND PROMPTLY DEPART.

B. INFORM THE EMBASSY:

1) SPECIFICALLY WHAT WE CAN TELL THE GOE ABOUT THE CONTENT OF USG TALKS WITH THE US TUNA INDUSTRY, IF WE CANNOT SAY THAT WE ARE ASKING THE TUNA INDUSTRY TO STAY OUTSIDE ECUADOREAN CLAIMED WATERS.

2) IF ANY THING CONCRETE OR ENCOURAGING ON ASSOCIATION AGREEMENTS HAS RESULTED FROM THE VISIT OF THE ECUADOREAN FISHING INDUSTRY COMMISSION COMPOSED OF RIZZO AND CHACON.

3) THE MANNER BY WHICH THE DEPARTMENT PLANS TO REITERATE A POSITON OF NEUTRALITY ON THE PURCHASE OF ECUADOREAN FISHING LICENSES BY OUR TUNA INDUSTRY.

C. RESPOND TO THIS MESAGE BY OPENING OF BUSINESS THE MORNING OF OCTBER 13, SO THAT TALKS CAN BE ARRANGED AND HELD PRIOR TO DEPARTURE OF AYALA.

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